

## REMARKS

Claims 1-32 and 37 were cancelled without prejudice. Claims 33-36 were amended without prejudice. Claim 38 was added.

Office action comments:

1. Claims 34 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The word "Dacron" (cl 34, ln 3) is indefinite because the metes and bounds of a trademark are unascertainable.

Claim 36 is indefinite and confusing because base claim 35 recites a support structure on the first and second hollow members, however claim 36 recites a coating, which is the support structure, on at least one of the first and second hollow members. Claim 36 appears to contradict claim 35. The coating of claim 36 should be on both the first and second hollow members.

Correction is required.

The applicants amended claim 34 by removing the term Dacron. The applicants amended claim 36 to clarify the term "coating." The applicants believe the currently presented amendments are fully responsive to the office action comments and place the claims in condition for allowance. Applicants respectfully request the Examiner to reconsider claims 34 and 36 as currently amended.

Office action comments:

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 ...

3. Claims 33, 34, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Nunokawa (USPN 5643340). Nunokawa teaches the claimed process as evidenced at col 2, lins 15-20; col 3, ln 33-col, ln 5; and figs 1-6.

The applicants amended claims 33 and 34 and cancels claim 37. The applicants cite to figures 18, 20, and 21 in the specification as originally filed for support of one possible embodiment of the many embodiments covered by the amended claims. The

applicants believe the currently presented amendments are fully responsive to the Office action comments and place the claims in condition for allowance.

The cited U.S. Patent number 5,643,340 recites (col 3, ln 54-61):

In this case, as shown in FIG. 2, a cut-out edge **19a** is formed in the tube member **13**, and a circumference **19** of the end **13b** of the tube member **13** consists of the cut-out edge **19a** and a single edge **19b**. The opening **18** is formed into a similar configuration as the circumference **19**, in order to minimize deformation of the tube member **13** around the region connected with the tube member **12**.

The Nunokawa 5,643,340 patent describes a joint formed by mating a “similarly configured” tube end and opening. The reference neither describes nor suggests the bifurcated flaps of the possible current inventive configurations for use in manufacturing a blood delivery conduit. The applicants believe the currently presented amendments are fully responsive to the office action comments and place the claims in condition for allowance.

Office action comments:

4. Claims 33 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Quijano et al (USPN 7022134) . Quijano et al teach the claimed process as evidenced at col 3, ln 52-col4, ln 23; and figs 2-5. It should be noted that the opening of Quijano et al begins at one end and stretches between the ends.

Applicant respectfully requests the Examiner to reconsider claim 33 as currently amended. Claim 37 is cancelled. The Quijano 7,022,134 patent describes a joint formed from “donor valvular conduits **20**, **30** each having a biological valve.” (col 3, ln 43-44, referring to figs 2-4) As in the 5,643,340 patent described above, the joint in the 7,022,134 patent is formed by mating a similarly configured slit openings. As presented in figures 2 and 3, the joints is formed by creating “a slice cut from the two donor

conduits 20, 30 [is] made at an angle ( $\theta_1$ ) of less than about 15° ... the attachment of sectioned donor conduits 20, 30 [be] made via a plurality of stitches.” (col 4, ln 5-11)

Additionally, the 7,022,134 patent teaches away from the one or many inventive configurations of the current application. “The resulting angle ( $\theta_2$ ) of the vascular prosthetic is, therefore, preferably less than 30°.” (col 4, ln 7-8) The applicants believe the currently presented claim is fully responsive to the office action comments and place the application in condition for allowance.

Office action comments:

5. The following is a quotation of 35 U.S.C. 103(a)....

6. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunokawa (USPN 5643340). The above teachings of Nunokawa are incorporated hereinafter. Nunokawa does not teach a support structure; and the support structure being a coating on at least one of the first and second hollow members. In regard to a support structure, such is well-known in the prosthetic art in order to add rigidity. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a support structure to the prosthetic of Nunokawa in order to increase the rigidity of the prosthetic. In regard to the support structure being a coating on at least one of the first and second hollow members, it is well-known in the prosthetic art to apply a coating of rigidify or stiffen the prosthetic. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a coating as the support structure in order to simplify the molding process.

Applicants respectfully requests the Examiner to reconsider claims 35 and 36 as currently amended. For the reasons stated above, the applicants respectfully disagree with the application of Nunokawa as the basis for a rejection against the inventive configuration of the current application. The reference neither describes nor suggests the bifurcated flaps of the one or many current inventive configurations for use in manufacturing a blood delivery conduit. Also, the reference neither describes nor

suggests the inventive configuration is well-known in the prosthetic art in order to add rigidity and would have been obvious to one of ordinary skill in the art at the time the invention was made. Finally, there is no indication that the technical requirements or biological outcomes can be satisfied by application of the cited art to the problem solved by one or many of the current inventive configurations. The applicants believe the currently presented amendments are fully responsive to the office action comments and place the claims in condition for allowance.

Support for this amendment is found in the application as originally filed. No new matter is presented.

Examination and favorable reconsideration of the application as amended is respectfully requested.

If the Examiner comes to believe that a telephone conversation may be useful in addressing any remaining open issues in this case, the Examiner is urged to contact the undersigned agent at 763-391-9866.

A request for a two (2) month extension of time under 37 C.F.R. 1.136(a) has been filed with this amendment. Please charge to Deposit Account No. 13-2546 the fee of \$450.00 which is required for the two-month extension of time.

Please charge any required fees or credit any overpayment to Deposit Account No. 13-2546.

Respectfully submitted,

Date: January 3, 2007

By

  
Mark A. Mersereau

Reg. No. 46,926

MEDTRONIC, INC.

710 Medtronic Parkway, MS LC340

Minneapolis, MN 55432

Tel. 763.391.9866

Fax. 763.391.9668

Customer No. 27581